

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VICTOR DAVID CARRASQUILLO,

Plaintiff

v.

THERESA DELBASO, et al.,

Defendants

CIVIL NO. 3:19-CV-0853

(Judge Mariani)

(Magistrate Judge Saporito)

FILED
WILKES BARRE

JUL 25 2019

PER MS
DEPUTY CLERK

ORDER


In the instant case, defendants filed a motion to dismiss plaintiff's complaint and a brief in support on June 28, 2019 . (Docs. 7 and 8).

The Local Rules of Court require a party to file an opposition brief within fourteen (14) days of the brief in support of a motion to dismiss. *See* L.R. 7.6. The Local Rules also provide that failure to comply with the briefing schedule will render the motion uncontested. *Id.* Plaintiff has failed to file a timely brief.

The Third Circuit Court of Appeals has noted that "there may be some cases where the failure to a party to oppose a motion will indicate that the motion is in fact not opposed." *Stackhouse v. Mazurkiewicz*, 951 F.2d 29, 30 (3d Cir. 1992). Before granting a motion as unopposed,

we must warn the plaintiff of that imminent possibility and order him to file a brief.

AND NOW, this 25th day of July, 2019, IT IS HEREBY ORDERED THAT plaintiff file a brief in opposition to defendants' Doc. 7 motion to dismiss within **ten (10) days** of the date of this Order. If a timely brief is not filed, the Court will deem the motion as unopposed.


JOSEPH F. SAPORITO, JR.
United States Magistrate Judge